



City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
November 10, 2004

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Mayor David Dermer
 Vice-Mayor Simon Cruz
 Commissioner Matti Herrera Bower
 Commissioner Luis R. Garcia, Jr.
 Commissioner Saul Gross
 Commissioner Jose Smith
 Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
 City Attorney Murray H. Dubbin
 City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

- PA1 Certificate of Appreciation/Eugene Woodard, Budget Advisory Committee Member.
- PA2 Certificate of Appreciation/Members of the Budget Advisory Committee.
- PA3 Introduction & Acknowledgement of Rescuers in the Ring 2004 Volunteer Boxers. (Dermer)
- PA4 Certificate of Appreciation/Ritz Plaza Hotel.
- PA5 Recognition of the CMB Goodwill Ambassadors Who Worked on Election Day.
- PA6 New Item: Proclamation/Miami Design Preservation League for their Anniversary. (Dermer)

CONSENT AGENDA

- C2A BA 43-03/04, Purchase/Install Film Projection System for the Byron Carlyle Theater, \$79,010.
- C4A Ref: Finance & Citywide Projects Committee - Agreement for Federal Legislative Services.
- C4B Ref: Historic Preservation Board - Include 63rd St. Flyover in N. Beach Historic District. (Steinberg)
- C6A Report: Neighborhood/Community Affairs Committee Meeting of October 25, 2004.
- C6B Report: Finance & Citywide Projects Committee Meeting of October 26, 2004.
- C6C Report: G.O. Bond Oversight Committee Meeting of November 2, 2004.
- C7A Set Public Hearing, Demolish Existing Structures - Development of Altos Del Mar Park Project.
- C7B Set Public Hearing, Demolish Existing Restroom at 1401 Ocean Dr./Construct New Restroom.
- C7C Execute 2 Amendments, ROW Infrastructure Improvements Program Neighborhood Projects.
- C7D Set Public Hearing, Lease 1100 Washington Ave. to the Miami Police Federal Credit Union. 5/7
- C7E Support Initiative by MBCC, Design Competition for Replacement of Ocean Lifeguard Towers.
- C7F Execute (3) Lease Agreements w/ Not-For-Profit Cultural Entities, 1701 Meridian Avenue.
- C7G Set Public Hearing, Dev. Agreement w/ the New World Symphony, Surface Parking Lot.
- C7H Ratify Contract, Install Mosaic Tile Artwork on the 1000 Block Fountain on Lincoln Road.
- C7I Submit Grant Applications to Several Funding Agencies.
- C7J Accept Recommendation, Establish Resource Library for IT & Telecommunications Services.
- C7K Allocate Parks Beautification Funds, La Gorce Island Landscaping Project.

REGULAR AGENDA

- R5A 11:00 a.m. 2nd Rdg, Open/Cont. Restrictions on Locations - Panhandling Prohibited. (Steinberg)
R5B 11:15 a.m. 2nd Rdg, Amend No. 789 Classified Employees Salary Ordinance.
R5C 11:16 a.m. 2nd Rdg, Amend No. 1605 Unclassified Employees Salary Ordinance.
R5D 11:17 a.m. 2nd Rdg, Amend No. 1335 Classified Employees' Leave Ordinance.
R5E 11:18 a.m. 2nd Rdg, Amend No. 1613 Unclassified Employees' Leave Ordinance.
R5F 11:30 a.m. 2nd Rdg, CCC, Civic & Convention Center District Regs. re: Required Parking. 5/7
R5G 5:01 p.m. 2nd Rdg, Establish Revised Standards for Parking Lot Setback Requirements. 5/7
R5H 5:05 p.m. 2nd Rdg, Interim Controls Amendment-Adopted Neigh. Conserv. District Enabling. 5/7
R5I 4:45 p.m. 1st Rdg, Temporary Parking Lots in the MXE "Mixed Use Entertainment District." 5/7
R5J 10:50 a.m. 1st Rdg, Amend Name of "Florida Sister Cities Program." (Dermer)
- R7A 10:15 a.m. Open/Cont. Approve Vacation of Property on 5860 North Bay Road (Schindler). 5/7
R7B 10:15 a.m. Open/Cont. Approve Vacation of Property on 5900 North Bay Road (Harris). 5/7
R7C 10:15 a.m. Open/Cont. Approve Vacation of Property on 5480 North Bay Road (Donnelly). 5/7
R7D 10:30 a.m. Deny Revocable Permit for Masonry Wall at 320 S. Coconut Lane (Valero).
R7E W-Execute Lease Agreement w/ Hazen & Sawyer, for 1701 Meridian Avenue. 5/7
R7F Joint, Execute Agmt, Construct Beachfront Restroom Facilities on 21st, 46th, 53rd & 65th Streets.
R7G Joint, Set Dates for the Year 2005 City Commission Meetings.
R7H Execute Settlement, Sale Agreement for City's Purchase of 1833 Bay Road.
R7I Adopt Certificates of Results of the November 2, 2004 Special Election for CMB.
R7J 4:00 p.m. Accept Recommendation, Construction of South Pointe Park Improvement Project.
- R9A Board and Committee Appointments.
R9A1 Nominate Marcelo Llorente to the Personnel Board. (Cruz)
R9A2 Nominate Alex DeGasperi to the Personnel Board. (Gross)
R9B1 1:30 p.m. Dr. Stanley Sutnick Citizen's Forum.
R9B2 5:30 p.m. Dr. Stanley Sutnick Citizen's Forum.
R9C Disc. Historic Designation Status of the 20th Street Monument. (Garcia)
R9D Status Report on Closing Documents Between CMB, RDA & RDP Royal Palm Hotel.
R9E Disc. Straw Ballot Question re: Baylink & 63rd Street Flyover. (Cruz)
R9F Disc. Bay Link Video. (Garcia)
- R10A Noon Break, Notice of Closed Executive Session: Norman & Joan Cement vs. CMB.
R10B Noon Break, Notice of Closed Executive Session: Status of CWA Negotiations.
R10C Noon Break, Notice of Closed Executive Session: Micky Biss & USA Express, Inc. vs. CMB.
- A City Attorney's Status Report.
B Parking Status Report.
C Status Report on Fire Station No. 2.
D Status Report on Fire Station No. 4.
E Informational Report on Federal, State, County, U.S. Communities & All Existing City Contracts.
F1 Minutes from Miami-Dade Homeless Trust Board Meeting of September 24, 2004. (Steinberg)
F2 Minutes from MBTMA Board Meeting of September 20, 2004. (Bower)

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 2A Report of Itemized Revenues/Expenditures of RDA for September 2004.
3A Joint, Appropriate Funds, Construct the Beachfront Restroom on 21st Street.
3B Joint, Set Dates for the Year 2005 Redevelopment Agency Meetings.
3C Execute Lease Agmt w/ ArtConnection International, Inc., for a Suite in Anchor Shops.
3E Reimbursement to the Courts at South Beach, Ltd., for Street Improvements.

Meeting called to order at 9:17:52 a.m.

Invocation given by Rabbi Shiftman, from the Hebrew Academy.

Pledge of Allegiance led by Assistant Police Chief Ray Martinez and City Clerk Robert Parcher in commemoration of the Marine's Corp's 229th birthday.

Times based on the digital recording in the City Clerk's Office

Supplemental Materials:

C7H (Resolution), C7I (Resolution), C7K (Resolution), R7E (Lease Agreement), R7H (Resolution), R7I (Certificate of County Canvassing Board).

Motion made by Commissioner Bower; seconded by Commissioner Gross to add as emergency item the issue of the Villa Maria and the Coral Rock House; Voice vote: 7-0.

PA - Presentations and Awards

9:21:26 a.m.

PA1 Certificate Of Appreciation Presented To Eugene Woodard For His Outstanding Service As A Member Of The City Of Miami Beach Budget Advisory Committee.
(City Manager's Office)

ACTION: Certificate presented.

Commissioner Gross stated that the community is going to suffer a great loss. He explained that Eugene became an activist over the noise issue trying to create a balance between the residents and the businesses conductions or special events on Ocean Drive; he was also active in the Chamber of Commerce representing the citizens on the board and was a very sensible member of the Budget Advisory Committee. Because of his new job, Gene will be commuting between Toronto and Miami Beach and their gain is the City's loss. Commissioner Gross stated that Gene deserves to be recognized not only for his work on the Budget Advisory Committee but also because he epitomizes the new class of residents moving to Miami Beach.

Mrs. Jan Woodard stated that her husband enjoyed being involved in government, and even thought he enjoys being back in the corporate world, he will miss all the good people he had been involved with in Miami Beach. She accepted the Certificate on his behalf.

9:25:29 a.m.

PA2 Certificates Of Appreciation Presented To The Members Of The Budget Advisory Committee.
(City Manager's Office)

ACTION: Certificates presented to Basil Vasiliou, David Heller, Eugene Woodard, Fred Berens, Jack Benveniste, Jeryl (Deede) Weithorn, Jonathan Fryd, Marc Jacobson, and Marc Gidney.

Mayor Dermer stated that the Budget Advisory Committee is one of the hardest working committees in the City. He thanked the entire committee for their hard work. He recognized Ms. Weithorn for her leadership, especially during the union negotiations. He stated that it has been a pleasure and a privilege to have worked with them and for the great advice such as the "millage for maintenance" adopted recently.

Jorge Gonzalez, City Manager, stated that this committee has volunteered countless hours and are always ready to take new financial challenges. He read the names of the committee members into the record.

9:31:25 a.m.

PA3 Introduction And Acknowledgement Of Rescuers In The Ring 2004 Volunteer Boxers.
(Requested by Mayor David Dermer)

ACTION: Acknowledgement given.

Mayor Dermer stated this is the third year of this charity boxing event. This is an exciting event and now has been extended to other departments with the proceeds going to a worthy cause. This event will take place November 20, and he encouraged everyone to attend.

Trevor Cedar thanked the Mayor for this popular event and stated that this year there are more sponsors. He thanked the participants especially the repeat fighters. He stated that this event is successful due to the hard work of the participants.

Mayor Dermer thanked Trevor Cedar and South Florida Boxing for donating their time, the facility and the trainers to this event.

Elizabeth Stadtlander from the Mayor's Office stated that this year there are twice as many sponsors and twice as many volunteers participating. She explained that this is an expensive event and she thanked the community for their support throughout the years. She thanked all the sponsors, the Fraternal Order of Police (FOP), the Communications Workers of America (CWA), The Miami Beach Fire Union (IAFF), The Cleveland Hotel, Finnegan's Way Restaurant, The SunPost, and new media sponsor, 103.5 F.M. (Miami's number one Hip Hop station) that will be doing a ticket give-away, the Boucher Brothers, Southern Wine and Spirits, and the two main sponsors this year; The National Hotel and Webdate.

Elizabeth Stadtlander from the Mayor's Office read the names of the participants.

Miami Beach Police Department: Paul Acosta, Alex Carulo, Gene Rodríguez, and Jimmy Gotsis.

MIA Police: David Magnusson, and David Patton.

Miami Beach Fire Department: George LeDon, Eric Rodriguez, and Charleton Price.

Homestead: Jose Rosa, Jon Manguel, and Pierre Skinner.

Miami Beach Patrol: Carlos Vago, Bill Boyle, Robert Vento, Alfredo Zuberon, Shawn Kouri, Keith Keyes, JC Martinez, and Eric Rank.

Coast Guards: David Allen, David Fuentes, Alex Murphy, Phidias Edoh, Joe Klinker, and Scott Reed.

Mayor Dermer congratulated City of Miami Beach Police Officer, Luis Corps, who as a result of a previous Rescuer In the Ring event became a professional boxer.

Luis Corps spoke.

Abe Smilowitz from Webdate spoke.

Handout or Reference Materials:

1. Color poster titled *Boxing – a charity event, & Mayor David Dermer present Round 3 Rescuers In the Ring, Miami Beach Convention Center Hall C, Saturday November 20th*.

9:51:00 a.m.

PA4 Certificate Of Appreciation To Be Presented To The Ritz Plaza Hotel.
(City Manager's Office)

ACTION: Certificate presented.

Jorge Gonzalez, City Manager, stated that it is not often when there is an opportunity to welcome a new corporate citizen to our City and to recognize a gesture that is significant, very much appreciated and stated that he hopes they set the standard for future investors. He explained that Makar Properties, LLC represented by Tom Mauri and Michael Gagnet recently purchased the Ritz Plaza Hotel and will be making extensive renovations and they donated all of the existing furniture, all of the outdoor furniture, all of the linens, appliances and all the supplies available to area homeless providers. He stated that this donation was distributed with the coordination of Maria Ruiz, Community Service Division Director; it reached the people that could benefit from this donation. The following agencies benefited from this donation; Carrfour Supporting Housing, Harbor House Transitional Housing, The Log Cabin, The Miami Rescue Mission, Mother Theresa's Riverside House, the Salvation Army in Miami and the Design and Architectural-Senior High Program. He recognized and thanked Ariel Pereda for coordinating this effort.

Michael Gagnet spoke.

9:28:48 a.m.

PA5 Recognition Of City Of Miami Beach Goodwill Ambassadors Who Worked On Election Day.
(City Manager's Office)

ACTION: Certificates of Completion presented to Lisa Dixon, Mark Coolidge, William Arnold, Laurel Perrero, Dania Granados, Mercedes Borges, John Benincasa, Lillian Beauchamp, Ricardo Guzman, Scott Mutch, Christine Leduc, Kris Fritsche, Joy McGaughy, Susana Alonso, Phyllis Shamis, Dolores Mejia, and Abel Saborit.

Jorge Gonzalez, City Manager, read their names and recognized their efforts. He explained that this program started in May 2001 in an effort to reach and serve the community during special events. He explained that the Goodwill Ambassadors were recruited for the Presidential Election. Usually people get passionate during this type of elections and the Ambassadors did a fabulous job keeping everything calm and making sure the elections process ran smoothly. He stated that there was a special Goodwill Ambassador, Commissioner Matti Bower, who did a fabulous job. He added that these volunteers are committed to the program and to the City of Miami Beach to make sure to show the best Miami Beach has to offer.

New Item:

9:44:43 a.m.

PA6 Proclamation To Be Presented To The Miami Design Preservation League.
(Requested by Commissioner Matti Herrera-Bower)

ACTION: Proclamation presented and accepted by Bill Farkas, Executive Director of the Miami Design Preservation League.

Commissioner Bower stated that the Art Deco District is celebrating its 25th anniversary. She stated that she was lucky to be a part of it and the Miami Design Preservation League (MDPL) was the organization that made it possible. She stated that Barbara Capitman along with Leonard Horowitz

were the visionaries for this effort and passed on the vision to many people since then. She stated that this recognition is for the efforts of maintaining 800 Art Deco buildings in Miami Beach.

Commissioner Gross echoed Commissioner Bower's sentiments and stated that a recent edition of the SunPost in collaboration with the MDPL for the 25th anniversary was a very special edition. He added that the issue of the impending demolition of the Coral Rock House declared unsafe needs to be addressed.

Bill Farkas, representing the MDPL, accepted the proclamation on behalf of the members of the Miami Design Preservation League (MDPL) and the Board of Directors. He thanked Jorge Gonzalez, City Manager, on behalf of MDPL for shepherding the \$5 million dollar renovation into the County G. O. Bond issue and stated that he hopes soon the 10th Street Auditorium will be renovated into a first class facility.

Commissioner Garcia invited Mr. Farkas to stay for the discussion of the historical designation of the 28th Street Monument.

Handout or Reference Materials:

1. Copy of City of Miami Beach Proclamation presented to Miami Design Preservation League on its 25th anniversary.
2. Black & White Copy of photograph of the Coral Rock House circa 1918, 904 Collins Avenue.
3. Color front cover of the SunPost Newspaper, dated November 4, 2004, titled "The Official Commemorative Issue for the 25th Anniversary of the Art Deco District."

CONSENT AGENDA

ACTION: Motion made by Commissioner Smith to approve the Consent Agenda; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Vice-Mayor Cruz.

9:57:36 a.m.

New Item:

Mayor Dermer commended Commissioner Steinberg for his efforts in getting the voters of Miami Beach out to vote. Miami Beach had an enormous turnout. He extended congratulations on behalf of the City to all the individuals who won. He congratulated State Representatives Dan Gelber, Gus Barreiro, and Dorothy Bendross-Mindingall, the new County Mayor Carlos Alvarez, the new school Board member Dr. Martin Karp, our new Congresswoman Debbie Wasserman-Schultz (north part of the Beach), Congresswoman Ileana Ros-Lehtinen (south part of the Beach), United States Senator Mel Martinez, State Senator Gwen Margolis and a special congratulation to our President George W. Bush.

Commissioner Steinberg thanked Jorge Gonzalez, City Manager, and the Administration particularly for the early voting incentives (coupons, Electrowave shuttle rides, and one-hour free parking at the 17th Street garage). The City of Miami Beach significantly outperformed the rest of the County in voter turnout and attributed this to the initiatives. He also thanked the media, especially the SunPost and The Miami Herald for promoting this effort.

Mayor Dermer thanked the Supervisor of Election, Constance Kaplan, for a job well done. He stated that from what he saw it was a very efficient and well run election.

C2 - Competitive Bid Reports

- C2A Request For Approval To Award A Contract To Magna-Tech Electronic Company, Pursuant To Invitation To Bid No. 43-03/04, For The Purchase And Installation Of A Film Projection System For The Byron Carlyle Theater, In The Amount Of \$ 79,010 Of Which \$25,981 Will Be Reimbursed From Two (2) Miami-Dade County Department Of Cultural Affairs Grants.
(Tourism & Cultural Development)

ACTION: Award authorized. Max Sklar to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Finance And Citywide Projects Committee - A Discussion On The Professional Services Agreement For Federal Legislative Services.
(Economic Development)

ACTION: Referred. Patricia Walker to place on the committee agenda. Christina Cuervo to handle.

9:56:35 a.m.

- C4B Referral To The Historic Preservation Board Regarding The Inclusion Of The 63rd Street Flyover In The Newly Created Historic District In North Beach.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Item not Referred. Item separated for discussion by Commissioner Steinberg. Motion made by Commissioner Steinberg to refer the issue; seconded by Mayor Dermer for discussion; Ballot vote: 2-4: Opposed: Commissioners Bower, Garcia, Gross and Smith; Absent: Vice-Mayor Cruz.

Motion made by Commissioner Steinberg to refer the issue; with no second offered, Mayor Dermer seconded the motion to allow for discussion.

Commissioner Steinberg stated that he would like the Historic Preservation Board to look into this matter and make a determination to see if the 63rd Street Flyover is worth preserving or not.

Commissioner Gross suggested that Mayor Dermer and Commissioner Steinberg meet with the Governor and FDOT to evaluate options on this issue. He stated that unless people at a higher level are willing to override the safety issue, the City is wasting time trying to designate it as historic. He explained that trying to designate the Flyover as historic is not the way to go; the political route should be attempted first.

Commissioner Smith suggested considering the other alternatives presented by FDOT years ago since some of those options were better but FDOT did not want to spend more money.

Mayor Dermer stated that until the will of the Commission changes the item is left on hold.

Handout or Reference Materials:

1. Article in Section B, Metro & State of The Miami Herald. Headline reads: *MIAMI BEACH: 63rd Street flyover is at center of 'historic' flap*, written by Nicole White, dated Sunday, November 7, 2004.
2. Ballot

C6 - Commission Committee Reports

- C6A Report Of The Neighborhood/Community Affairs Committee Meeting Of October 25, 2004: **1)** Discussion Regarding An Ordinance Regulating Swales.

ACTION:**Item No. 1:**

Prior to taking the swale policy to the neighborhood homeowners associations for discussion, the Administration will bring the item back to the Neighborhood/Community Affairs Committee with recommended changes. **Robert Middaugh to handle.**

- C6B Report Of The Finance And Citywide Projects Committee Meeting Of October 26, 2004: **1)** Discussion Regarding The Proposed A.I. Boymelgreen Project At Fifth Street And Alton Road; **2)** Discussion Regarding The Park Design Component Of The New World Symphony And City Of Miami Beach Development Agreement; **3)** Discussions Regarding Funding Assistance For Miami Beach Community Health Center Initiatives Which Provide Medical And Nursing Care To Needy Children At Miami Beach Public Schools; **4) Amended at the Commission Meeting** - Discussion Regarding The Proposed City Of Miami Beach And Potamkin/Berkowitz Joint Venture; And **5)** Discussion Regarding Funding For Lincoln Road Marketing, Inc.

ACTION:**Item No. 1:**

The Committee instructed the Administration to execute an Owner's Affidavits for the sole purpose of a Design Review Board (DRB) Design Review Application, with the understanding that said Owner's Affidavits does not constitute an endorsement of the proposed project or a recommendation for the vacation and relocation of the public alley located on the site.

The Committee further recommended that the developer proceed with their DRB application for the demolition of the two existing one story buildings, and the construction of a new eight story mixed-use retail and residential structure and report back to the Finance and Citywide Projects Committee with the results of the DRB review and for the consideration of the alley vacation and relocation. **Christina Cuervo to handle.**

Item No. 2:

The Committee recommended that the current Development Agreement between the City and NWS be amended in order to expand the scope of the agreement to authorize the development of City Center Park. **Christina Cuervo to handle.**

Item No. 3:

The Committee instructed the Administration to speak with representatives from the Health Facilities Authority (HFA) and the Health Advisory Committee (HAC) in order to discuss funding options for citywide health related issues. **Patricia Walker to handle.**

Item No. 4:**Amendment to the Report:**

Page 22 - Replace 1st paragraph with: Commissioner Gross suggested a reduction in the number of space which would result in reduced financial requirement in addition to reducing the size and massing of the building so that it is more in context with the neighborhood. End of Amendment.

The Committee accepted the Administration's recommendation to fund the proposed project; and, should Federal Transit Authority (FTA) funds not be available for the project, fund the project with available South Pointe Tax Increment Funds and/or available City of Miami Beach Parking Funds.

The Committee also directed the Administration to proceed with and finalize the proposed City of Miami Beach and Potamkin/Berkowitz Joint Development Opportunity and bring back the completed agreement to the City Commission. **Christina Cuervo to handle.**

Item No. 5:

The Committee accepted the Administration's recommendation to appropriate the available \$116,384 in Lincoln Road Concession Revenues to LRMI for the purpose of marketing Lincoln Road as a destination; and, instructed LRMI to develop and present a multi-year budget for how this allocation will be expended. **Christina Cuervo to handle.**

- C6C Report Of The General Obligation Bond Oversight Committee Meeting Of November 2, 2004: **1)** Contingency Report; **2)** Recommendation To City Commission: A) Normandy Sud Additional A/E Services; **3)** Project Status Report: A) Fire Station No. 2; B) Fire Station No. 4; C) Normandy Isle Park And Pool; D) Indian Creek Greenway; E) Allison Park; F) North Beach Recreational Corridor; G) Normandy Drive/71st Street Corridor; And **4)** Informational Items: A) Updated Calendar Of Scheduled Community Meetings; B) Biscayne Point RFQ For Design, Bid/Award, Construction Administration.

ACTION:

Item No. 1:

The Administration informed the Committee that one new change order had been approved since the last meeting. A list of the change order approved to date is attached as "Exhibit A". The Administration informed the Committee that the list was still being updated to reflect all commitments funded out of the project contingencies, as directed by the Committee at its October meeting.

Item No. 2:

The Administration asked the Committee to recommend that the City Commission award additional services to Tetra-Tech WHS (TTWHS) in the amount of \$58,220.00 from General Obligation Bond funds for the **Normandy Isle/Normandy Sud Right-of-Way Infrastructure Improvement** project. The scope of work associated with the additional services includes designing landscaping, up-lighting, medians and pavers due to the related guard house project not being approved. The Committee recommended that the City Commission award the additional services. **See Agenda item C7C.**

Item No. 3A:

The Administration informed the Committee that the **Fire Station No. 2** project is moving along as planned. The drainage work is almost complete, the Administration is continuing developing the plans for temporary parking and other pre-construction activities. Work on the fire station itself will begin shortly.

Item No. 3B:

The Committee was told that the construction of the seawall portion of the **Fire Station No. 4** project was underway. The fire station portion will begin construction after the completion of the seawall.

Item No. 3C:

With regard to the **Normandy Isle Park and Pool** project, the Administration informed the Committee that the Architect of Record (A/E) had provided the City with its final report reconciling the work already in place at the Normandy Isle Pool project site that can remain, as opposed to what has to be re-built and what is still to be constructed, as a result of the default of Regosa Engineering, the contractor for the project. The report is being provided to Regosa's surety company to begin negotiations, as well as to a JOC contractor to obtain independent pricing in case negotiations with the surety fall through. The Administration intends to have the park portion of the project under construction at the same time as the remainder of the pool portion. It is estimated that work on the

pool portion will resume in the late winter or early spring of 2005. The Administration also presented the Committee with its plans to move forward on obtaining sufficient funding for the soccer and multi-purpose field improvements in the Park. The City will be applying for a Florida Recreation Development Assistance Program (FRDAP) grant for components of the Park portion. The Committee provided its support for such an application.

Item No. 3D:

The Administration informed the Committee that the Indian Creek Greenway project feasibility study is underway. The consultant will meet with numerous regulatory agencies, including the Florida Department of Transportation, the South Florida Water Management District and the Department of Environmental Protection to determine the impact of their respective requirements on the proposed Greenway project. Surveys will be conducted to determine the amount of land available to build on and the existing marine life conditions in the proposed area of construction. It is estimated that this first phase of the project will not be completed until the fall of 2005.

Item No. 3E and F

The Administration briefed the Committee on the latest status of the **Allison Park** and **North Beach Recreational Corridor** projects. The City is working with the Florida Department of Environmental Protection regarding permitting issues. The project is approximately 30% designed. Once the permitting issues are resolved the project design should progress more quickly. It is anticipated that construction will begin in the summer of 2005.

Item No. 3G:

The Administration deferred a status report on the Normandy Drive/71st Street Corridor project until the December Committee meeting.

Item No. 4A:

The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

Item No. 4B:

The Committee was informed that at its October 13, 2004 meeting, the City Commission authorized the Administration to issue a Request for Qualifications (RFQ) for an A/E firm to perform design, bid/award and construction administration services for the **Biscayne Point Right-of-Way Infrastructure Improvement** project.

See Resolution 2004-25726.

C7 - Resolutions

- C7A A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-563 To Grant A Certificate Of Appropriateness For Demolition Of The Existing Structure Located At 7601 Atlantic Way And 7611 Collins Avenue, Respectively; Both Structures Designated As Single Family Contributing Structures In The City Of Miami Beach Historic Properties Database And Located Within The Harding Townsite/Altos Del Mar Local Historic District; Said Demolition Necessary In Order To Proceed With The Development On The Same Site Of The Altos Del Mar Park Project.
(Capital Improvement Projects)

ACTION: Resolution No. 2004-25729 adopted. Public Hearing scheduled for December 8, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Tim Hemstreet to handle.

- C7B A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-563, To Grant A Certificate Of Appropriateness For Demolition Of An Existing Restroom Facility Located At 1401 Ocean Drive, In Order To Construct A New Restroom Facility At The Same Site.
(Capital Improvement Projects)

ACTION: Resolution No. 2004-25730 adopted. Public Hearing scheduled for December 8, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Tim Hemstreet to handle.

- C7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Two Amendments To The Professional Landscape Architectural And Engineering Services Agreement Between The City Of Miami Beach, Florida And Williams, Hatfield & Stoner, Inc., D/B/A Tetra-Tech WHS, Dated July 18, 2001: Amendment No. 5, In A Not-To-Exceed Amount Of \$50,000, For The Provision Of Additional Professional Services, Necessary For The Replacement Of Additional Water Lines And The Relocation Of Water Meters Within The Florida Department Of Transportation (FDOT) Right-Of-Ways; And Amendment No. 6, In A Not-To-Exceed Amount Of \$58,220, For The Provision Of Additional Professional Services, Necessary For The Design Of The Re-Planning Study Originated By The Community Design Review Meeting Held On October 21, 2003, For The Right-Of-Way Infrastructure Improvements Program Neighborhood No. 4 - Normandy Isle And Normandie Sud Project; Further Authorizing The Reallocation Of Previously Appropriated Funds For Construction, In A Not-To-Exceed Amount Of \$50,000, From The Neighborhood's Water And Sewer Bond Funds, For The Services Included In Amendment No. 5 And In A Not-To Exceed Amount Of \$58,220, From The Neighborhood's General Obligation Bond Funds, For The Services Included In Amendment No. 6.
(Capital Improvement Projects)

ACTION: Resolution No. 2004-25731 adopted. Tim Hemstreet to reallocate funds and handle.

- C7D A Resolution Setting A Public Hearing On December 8, 2004, Pursuant To The Requirements Of Section 82-37 Of The Miami Beach City Code, To Hear Public Comment Regarding The Lease Between The Miami Police Federal Credit Union And The City Of Miami Beach, Of Approximately 190 Square Feet Of City-Owned Property, Located At 1100 Washington Avenue, Miami Beach, Florida, For An Initial Thirty Five (35) Month Term, Commencing On November 1, 2004, And Ending On September 30, 2007; Further Consenting To The Negotiated Terms Presented Herein, Subject To A Lease Agreement In A Form Acceptable To The City Attorney And Compliance With The Requirements Of Section 82-36 Through 82-39 Of The Miami Beach City Code; Further Waiving By 5/7ths Vote The Competitive Bidding And Appraisal Requirements.
(City Manager's Office)

ACTION: Resolution No. 2004-25732 adopted. Public Hearing scheduled for December 8, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Christina Cuervo to handle.

- C7E A Resolution Supporting An Initiative By The Miami Beach Chamber Of Commerce (MBCC), Working In Collaboration With The American Institute Of Architects (AIA), To Undertake A Design Competition For Replacement Of Ocean Lifeguard Towers For The City Of Miami Beach.
(City Manager's Office)

ACTION: Resolution No. 2004-25733 adopted.

- C7F A Resolution Authorizing The Mayor And City Clerk To Execute Three Lease Agreements Between The City Of Miami Beach And The Following Not-For-Profit Cultural Entities: 1) Arts And Business Council Of Miami, Inc., For The Use Of Approximately 280 Square Feet Of Office Space; 2) Children's Cultural Coalition Of Dade County, Inc., For The Use Of Approximately 280 Square Feet Of Office Space; And 3) Florida Dance Association, Inc., For The Use Of Approximately 280 Square Feet Of Office Space; All In Suite 402 Of The City-Owned Building, Located At 1701 Meridian Avenue, Miami Beach, Florida; Each Lease Agreement For A Term Of Three Hundred Sixty Four (364) Days, Commencing On February 1, 2005, And Ending On January 30, 2006.
(Economic Development)

ACTION: Resolution No. 2004-25734 adopted. Joe Damien to handle.

- C7G A Resolution Setting A Public Hearing On December 8, 2004, To Consider Approving On First Reading, In Accordance With The Requirements Of Sections 163.3220 - 163.3243 Florida Statutes, Also Referred To As The "Florida Local Government Development Agreement Act," The First Amendment To The Development Agreement Between The City Of Miami Beach And The New World Symphony, Dated January 5, 2004, For The Development Of A Portion Of The Surface Parking Lot, Bounded By 17th Street To The North, North Lincoln Lane To The South, Washington Avenue To The East And Pennsylvania Avenue To The West, For Construction Of An Approximately 50,000 Square Foot Educational, Performance And Internet Broadcast Facility With An Exterior Screen ("Soundspace"), And An Approximately 320-Space (+/-) Public Parking Garage Facility; Said Addendum Specifically Amending The Development Agreement, Requiring The Developer To Proceed With The Design And Development Of Zone 1, Comprising The Park And Drexel Avenue Between North Lincoln Lane And 17th Street, At The Owner's Cost And Expense, Not To Exceed \$10,000,000; Zone 2, Comprising The Jackie Gleason Theater Of The Performing Arts (TOPA) Entry Landscaping At The Owner's Cost And Expense, Not To Exceed \$1,150,000; And Zone 3, Comprising North Lincoln Lane Improvements, At Owner's Cost And Expense, Not To Exceed \$500,000.

(Economic Development)

ACTION: Resolution No. 2004-25735 adopted. Public Hearing scheduled for December 8, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Christina Cuervo to handle.

Supplemental Material: (Resolution)

- C7H A Resolution Ratifying A Contract In The Amount Of \$50,894 To Carlos Alves, For The Installation Of Mosaic Tile Artwork On The Exterior Walls, Wall Caps, And Fountain Basin Of The Ornamental Fountain Located At The 1000 Block Of Lincoln Road.
(Public Works)

ACTION: Resolution No. 2004-25736 adopted.

Supplemental Material: (Resolution)

- C7I A Resolution Authorizing The City Manager Or His Designee To Submit Grant Applications For The Following Funds: 1) Retroactively For FY 2004/05 Florida Department Of Law Enforcement, Byrne Grant Funds For The City's E-Ticketing Initiative; 2) Retroactively For FY 2004/05 Urban Areas Security Initiative (UASI) Program For Funding For The Joint Completion Of An Urban Areas Security Initiative Program; 3) Miami-Dade County Parking Fine Funds For Various ADA Projects Citywide; 4) The Environmental Protection Agency, Office Of Environmental Education For Funding For An Environmental Education Program; While Leveraging Previously Appropriated Grant Funds As Needed; Further Appropriating Grants If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Documents Related To These Applications.
(Grants Management)

ACTION: Resolution No. 2004-25737 adopted. Patricia Walker to appropriate the funds if approved and accepted by the City. Judy Hoanshelt to handle.

- C7J A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 21-01/02, For The Establishment Of A Resource Library For Information Technology And Telecommunications Services; Authorizing The Administration To Enter Into Negotiations With The Four Top-Ranked Firms Of Cyberbest Technology, Inc., Data Industries, Ltd., ICBM Corporation, And Teksystems, Inc.; Further Authorize The Mayor And City Clerk To Execute Agreements Upon Completion Of Successful Negotiations By The Administration.
(Information Technology)

ACTION: Resolution No. 2004-25738 adopted. Gladys Acosta to handle.

Supplemental Material: (Resolution)

- C7K A Resolution Allocating \$65,000 From Parks Beautification Funds For Middle Beach Landscape Improvements For The Purchase, Supply, Delivery, And Installation Of Florida Royal Palms And Phoenix Canariensis Palms For The La Gorce Island Landscaping Project.
(Capital Improvement Projects)

ACTION: Resolution No. 2004-25739 adopted. Tim Hemstreet to handle.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****4:12:05 p.m.**

R5A An Ordinance Amending Ordinance Number 2003-3411 By Amending The Restrictions On The Locations Where Panhandling Is Prohibited And Providing For Repealer, Severability, And An Effective Date. **11:00 a.m. Second Reading, Public Hearing.**

(Requested by Vice-Mayor Richard L. Steinberg)

(First Reading on October 13, 2004)

ACTION: Public Hearing open and continued to December 8, 2004 at 11:00 a.m., and referred to the Neighborhood/Community Affairs Committee. Motion made by Commissioner Bower; seconded by Vice-Mayor Cruz; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda. Vivian Guzman and Jorge Gomez to place on the committee agenda. Robert Middaugh to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

4:12:56 p.m.

New Item: Regarding the Closed Executive Session held during the lunch break.

Motion made by Commissioner Bower to add to the Agenda, as an emergency item by 5/7 vote, imposing a voluntary cone-of-silence in reference to the negotiations of the Labor Contract with the Communications Workers of America, CWA; seconded by Commissioner Smith; Voice vote: 7-0.

Motion made by Commissioner Bower starting today, imposing a voluntary cone-of-silence in reference to the negotiations of the Labor Contract with the Communications Workers of America, CWA. The cone-of-silence is in place for both the Administration and CWA meeting with the City Commission; seconded by Commissioner Smith; Voice vote: 7-0.

Commission Gross asked that the CWA be notified of this action. **Linda Gonzalez to handle.**

Vice-Mayor Cruz requested that the Administration provide the Commission the process which will be followed regarding impasse proceedings. **Linda Gonzalez to handle.**

Jorge Gonzalez, City Manager, stated that he will send an LTC with a copy of the letter sent to the CWA along with the declaration of impasse and that a cone-of-silence is being imposed. The LTC will also map out the next steps, and who will be handling each step in the process. **Linda Gonzalez to handle.**

5:37:44 p.m.

Murray Dubbin, City Attorney, stated that the City's labor lawyer has reviewed the Florida Statutes and as referenced in the Statutes there is language which states "nothing herein shall be construed to abridge the right of free speech." Regarding the cone-of-silence, the Commission can not stop a third party from speaking with you. The Commission is agreeing on how to govern itself.

Mayor Dermer stated that the City Commission imposed the cone-of-silence and has agreed not to meet with either the Administration or CWA while the cone is imposed.

3:29:29 p.m.

R5B An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance, By Establishing The Classifications Of Field Inspector I, Field Inspector II And Parking Dispatcher In Group IV, Being Those Classifications Covered By The Communication Workers Of America (CWA), Local 3178; Transferring The Titles Of The Classifications Of Backflow Coordinator, Carpenter Supervisor, Central Services Supervisor, Lead Mechanic, Sanitation Operations Supervisor, Service Supervisor, And 911 Communications Records Custodian From Group VI, Being Other Classifications In The Classified Service Not Covered By A Bargaining Unit, To Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida (GSAF), OPEIU Local 100; Providing For A Repealer, Severability, Effective Date And Codification. **11:15 a.m. Second Reading, Public Hearing.**

(Human Resources)

(First Reading on October 13, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3459 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Cruz; Ballot vote: 6-0; Absent: Commissioner Steinberg. R. Parcher to transmit to Municipal Code Corp. Mayra Buttacavoli to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

3:31:13 p.m.

R5C Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance, By Establishing The Classifications Of Code Compliance Division Director, Cultural Facilities Manager, Field Monitor, Geographic Information System Analyst And Senior Management Analyst; Amending The Titles Of The Classifications Of Beach Patrol Captain To Ocean Rescue Division Chief, Field Inspector To Field Supervisor, Management & Budget Director To Budget & Performance Improvement Director, And Right Of Way Supervisor To Right Of Way Manager; Providing For A Repealer, Severability, Effective Date, And Codification. **11:16 a.m. Second Reading, Public Hearing.**

(Human Resources)

(First Reading on October 13, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3460 adopted.** Motion made by Vice-Mayor Cruz; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Steinberg. R. Parcher to transmit to Municipal Code Corp. Mayra Buttacavoli to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

3:32:37 p.m.

R5D An Ordinance Amending Ordinance No. 1335, The Classified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual And Sick Leave For The Fraternal Order Of Police (FOP), The International Association Of Fire Fighters (IAFF), And Classified Employees Not Covered By A Bargaining Unit And Known As The Group "Others"; Providing For A Repealer, Severability, Codification, And An Effective Date. **11:17 a.m. Second Reading, Public Hearing.**

(Human Resources)

(First Reading on October 13, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3461 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Cruz; Ballot vote: 6-0; Absent: Commissioner Steinberg. R. Parcher to transmit to Municipal Code Corp. Mayra Buttacavoli to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

3:33:35 p.m.

R5E An Ordinance Amending Ordinance No. 1613, The Unclassified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual And Sick Leave; Providing For A Repealer, Severability, Codification, And An Effective Date. **11:18 a.m. Second Reading, Public Hearing.**

(Human Resources)

(First Reading on October 13, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3462 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Cruz; Ballot vote: 6-0; Absent: Commissioner Steinberg. R. Parcher to transmit to Municipal Code Corp. Mayra Buttacavoli to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

12:55:22 p.m.

R5F CCC, Civic & Convention Center District Regulations Regarding Required Parking
An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; Division 7. "CCC, Civic And Convention Center District," By Creating A New Section 142-368 Entitled "Offsite Parking," Providing That Required Parking Provided For Uses In This District, Located Off-Site Pursuant To Section 130-36, Shall Not Be Included In Permitted Floor Area Wherever Located; Providing For Codification, Repealer, Severability And Effective Date. **11:30 a.m. Second Reading, Public Hearing.**

(Planning Department)
(First Reading on October 13, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3463 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Cruz; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corp. Jorge Gomez to handle.

Commissioner Steinberg reiterated the position from the October 13, 2004 Commission Meeting that the development plan (conceptual plans) will come forward with the different parking alternatives and that the parking alternatives be considered by the Transportation and Parking Committee before coming to the City Commission. **Christina Cuervo to handle. Saul Frances to place on the committee agenda.**

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

5:28:44 p.m.

R5G An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," Subdivision IV, "RM-2 Residential Multifamily Medium Intensity," And Division 15, "TH Town House Residential District," By Amending Section 142-156, Section 142-218 And Section 142-606, Respectively, To Establish Revised Standards For Parking Lot Setback Requirements When There Is An Approved Street Improvement Plan That Incorporates A Public-Private Parking Agreement With The City; Providing For Repealer, Codification, Severability And An Effective Date. **5:01 p.m. Second Reading, Public Hearing.**

(Planning Department)
(First Reading on October 13, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3464 adopted.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Cruz; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corp. Jorge Gomez to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

5:30:13 p.m.

R5H Interim Controls Amendment - Adopted Neighborhood Conservation District Enabling Ordinance An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 118, "Administration And Review Procedures," Article XI, "Neighborhood Conservation Districts," By Creating A New Section 118-708, Entitled "Enforcement Of NCD Regulations And Criteria; Application Of Equitable Estoppel To Permits And Approvals,"; Providing For Codification; Repealer; Severability; And An Effective Date. **5:05 p.m. Second Reading, Public Hearing.**

(Planning Department)
(First Reading on October 13, 2004)

ACTION: Public Hearing held. **Ordinance Number 2004-3465 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corp. Jorge Gomez to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

5:16:40 p.m.

R5I An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 130 "Off-Street Parking," Article III, "Design Standards," By Permitting Temporary Parking Lots In The MXE, "Mixed Use Entertainment" Zoning District That Face Collins Avenue, An Additional Time Period Of 5 Years; Clarifying Sign Regulations For Temporary Lots And Modifying The Landscape Standards; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Gross; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for December 8, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Neisen Kasdin spoke.

12:27:50 p.m.

- R5J An Ordinance Amending Chapter 2 Of The City Code Entitled "Administration;" By Amending Article III Entitled "Agencies, Boards And Committees;" By Amending Division 15 Entitled "Florida Sister Cities Program" To Correct The Name To Read The "Miami Beach Sister Cities Program" Throughout Division 15; And By Amending Section 2-181(D), Entitled "Composition," By Amending The Membership Of The Sister Cities' Coordinating Council And The Provisions Regarding Term Of Service; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading**
(Requested by Mayor David Dermer)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Bower; seconded by Vice-Mayor Cruz; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for December 8, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

Amendments:

1. Division 15. ~~City of Miami Beach Florida Sister Cities~~
2. 2-181 (d) – The council shall consist of one representative per sister city affiliation ~~who shall serve on the council until the expiration of his/her term or until a successor member is appointed, whichever is later, and nine members, appointed from the county at large.~~

Bruce Singer, Florida Sister Cities City Liaison, spoke.

R7 - Resolutions

3:51:36 p.m.

- R7A A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Southern Half) Of The West 59th Street Street-End, West Of North Bay Road, In Favor Of Roger J. Schindler And Leslie Schindler, As Owners Of The Adjacent Residential Property, Located At 5860 North Bay Road; Retaining Utility Easement Rights Within Said Vacated Portion Of The Street-End; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review And Approval Of Same By The City Attorney's Office. **10:15 a.m. Public Hearing.**

(Public Works)

(Continued from October 13, 2004)

ACTION: Public Hearing opened and continued to February 23, 2005 at 10:15 a.m. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Steinberg. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

Handout or Reference Materials:

1. Copy of a letter from Joseph Z. Fleming, Greenberg Traurig, to Raul J. Aguilar [Aguila], Assistant City Attorney, dated November 4, 2004, RE: Request for Vacation of the 59th Street end. [Request to continue the public hearing indefinitely]

3:51:36 p.m.

R7B A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Northern Half) Of The West 59th Street Street-End, West Of North Bay Road, In Favor Of William Thomas Harris III And Richard Koenigsberg, As Trustees For The "Tom Harris Trust", As Owners Of The Adjacent Residential Property, Located At 5900 North Bay Road; Retaining Utility Easement Rights Within Said Vacated Portion Of The Street-End; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review And Approval Of Same By The City Attorney's Office. **10:15 a.m. Public Hearing.**

(Public Works)

(Continued from October 13, 2004)

ACTION: Public Hearing opened and continued to February 23, 2005 at 10:15 a.m. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Steinberg. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

Handout or Reference Materials:

1. Copy of a letter from Joseph Z. Fleming, Greenberg Traurig, to Raul J. Aguilar [Aguila], Assistant City Attorney, dated November 4, 2004, RE: Request for Vacation of the 59th Street end. [Request to continue the public hearing indefinitely]

3:51:36 p.m.

R7C A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Southern Half) Of The West 56th Street Street-End, West Of North Bay Road, In Favor Of Mary Elizabeth Donnelly, Owner Of The Adjacent Residential Property, Located At 5480 North Bay Road; Retaining Utility Easement Rights Within Said Vacated Portion Of The Street-End; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review And Approval Of Same By The City Attorney's Office. **10:15 a.m. Public Hearing.**

(Public Works)

(Continued from October 13, 2004)

ACTION: Public Hearing opened and continued to February 23, 2005 at 10:15 a.m. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Steinberg. Lilia Cardillo to place on the agenda. Fred Beckmann to handle.

Handout or Reference Materials

1. Letter from Mary E. Donnelly to Robert Parcher, dated November 9, 2004 RE 56th & 59 N. Bay Road End Street, requesting postponing the public hearing and hear at the same time as the 59 street.
2. Electronic correspondence from Raul Aguila, Esq., forwarded by Elizabeth Damien to Fred Beckmann, dated August 26, 2004 RE: Vacation of 59th Street End RE: continuance of public hearing.

12:37:50 p.m.

R7D A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, And Having Considered The City Administration's Recommendation And The Criteria For Granting Revocable Permits Pursuant To Section 82-94 Of The Miami Beach City Code, Denying An After-The-Fact Revocable Permit In Favor Of The Applicant, Doron Valero, For Retaining A Masonry Wall Constructed In The City Right-Of-Way, Enclosing Approximately 66 Sq. Ft., Adjacent To His Property Located At 320 South Coconut Lane. **10:30 a.m. Public Hearing.**
(Public Works)

ACTION: Public Hearing held. **Resolution No. 2004-25740 adopted (Denying an after-the-fact revocable permit).** Motion made by Commissioner Smith to adopt the Administration's recommendation denying the Revocable Permit; seconded by Commissioner Bower; Voice vote: 7-0. Fred Beckmann to handle.

Allan Kirscher, Esq. spoke.

Walter Maino spoke.

Doron Valero spoke.

Fred Beckmann, Director of Public Works, spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Statement signed by Phillip Azan, Director, Building Department, City of Miami Beach, taken on November 10, 2004, RE: 230 South Coconut Lane construction.

3:52:11 p.m.

Supplemental Material: (Lease Agreement)

R7E A Resolution Authorizing The Mayor And City Clerk To Execute A Lease Agreement With Hazen And Sawyer, PC, For The Lease Of Approximately 2,800 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue (A/K/A 777 - 17th Street), Miami Beach, Florida, For A Twenty-Three (23) Month Term, Commencing On November 1, 2004, And Ending On September 30, 2006; Further Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements As Set Forth In Sections 82-36 Through 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City. **10:45 a.m. Public Hearing.**
(Economic Development)

ACTION: **Public Hearing opened and continued to December 8, 2004 at 10:45 a.m.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Steinberg. Lilia Cardillo to place on the Commission Agenda. Christina Cuervo to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

10:45:09 a.m.

R7F A Resolution Authorizing The Mayor And City Clerk To Execute An Agreement Between The City Of Miami Beach And Tran Construction, Inc., To Construct The Beachfront Restroom/Concession Facilities Located East Of Collins Avenue At 21st, 46th And 64th Streets, Pursuant To The Bid Award Granted By Resolution 2003-25196, And Appropriating Funds, In The Amount Of \$227,776, Available From Parking Funds For Increased Costs In The Construction Of The Project. **Joint City Commission and Redevelopment Agency**
(Capital Improvement Projects)

ACTION: Item heard in conjunction with Item RDA-3A. Resolution No. 2004-25741 adopted as amended to reimburse the Parking fund within four years and to include a concession stand along with the bathroom at 46th Street. Motion made by Commissioner Smith; seconded by Commissioner Garcia; Voice vote: 5-1; Opposed: Commissioner Steinberg; Absent: Vice-Mayor Cruz. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

Commissioner Steinberg stated that he is opposed to this because Parking Department funds are being used.

Jorge Gonzalez, City Manager, stated that Resort Taxes could be used for the concession at 46th Street.

Commissioner Steinberg made an amendment to the motion to require the Administration to identify a source to reimburse the Parking Fund and establish a two-year time table to reimburse the Parking fund.

Jorge Gonzalez, City Manager, requested that the time be extended from two years to four years.

Commissioner Steinberg stated that he is going to vote against the item and withdrew his amendment.

Motion made by Commissioner Gross to amend the motion to extend the window to four years as requested by Jorge Gonzalez, City Manager.

Commissioner Smith accepted the amendment.

Commissioner Garcia asked if the plans for one of the bathrooms could be used for the 35th Street bathroom.

Commissioner Gross stated that the sentiment of the Commission is to get the 35th Street bathroom built as quickly as possible. **Tim Hemstreet to handle.**

Commissioner Bower stated that she has received complaints about the bathrooms at North Shore Open Space Park, and added that she doesn't want this bathroom to be the last one built.

Tim Hemstreet, Capital Improvement Projects Director, explained that demolition is almost ready to commence and that the Administration is negotiating a price with one of the job-order contractors for the restrooms. **Tim Hemstreet to handle.**

Handout or Reference Materials:

1. Color map showing public parks, lifeguard towers, and beach restrooms, and the patron count of restrooms.

11:09:34 a.m.

R7G A Resolution Setting The Dates For The Year 2005 City Commission Meetings. **Joint City Commission and Redevelopment Agency.**
(City Clerk's Office)

ACTION: Item heard in conjunction with Item RDA-3B. Resolution No. 2004-25742 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. R. Parcher to handle.

5:32:00 p.m.

Supplemental Material: (Resolution)

R7H A Resolution Approving A Settlement Of The Lawsuit Styled, Gloria Rosenthal, Trustee Of The Gloria Rosenthal Trust U/A/D 5-19-88, N/K/A Gloria Rosenthal Trust U/A/D 5-14-99 V. City Of Miami Beach Case No. 04-10744 CA 31; Authorizing The Mayor And City Clerk To Execute Any And All Necessary Settlement Documents, Including But Not Limited To The Execution Of A Purchase And Sale Agreement Between The City (Buyer) And The Gloria Rosenthal Trust (Seller) For The Property Located At 1833 Bay Road, Miami Beach, Florida; Further Making The Settlement Subject To And Conditioned Upon Closing Of The Subject Property..
(Economic Development)

ACTION: Resolution No. 2004-25743 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Christina Cuervo to handle.

10:30:32 a.m.

Supplemental Material: (Certificate of County Canvassing Board)

R7I A Resolution Adopting The Certificates Of The Results Of The November 2, 2004 Special Election For The City Of Miami Beach, And Declaring Results Thereof.
(City Attorney's Office)

ACTION: Resolution No. 2004-25744 adopted. The issue of working with the County to secure the G. O. Bonds was referred to the Finance and Citywide Projects Committee. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Vice-Mayor Cruz.

Commissioner Gross stated that in addition to the three referendum issues, and the candidate elections, there was also the Miami-Dade County G. O. Bond questions which all eight were approved. The result for the City of Miami Beach is that there are \$90 million dollars in projects which will be funded through the G. O. Bond; \$55 million are for improvements to the Convention Center, \$7 million for the improvements to the 10 Street Auditorium and Lummus Park, \$5 million for South Pointe Park, \$2 million to renovate historic Old City Hall, money for fire stations, the Scott Rakow Youth Center, the bandshell in North Shore, the Normandy Shores Golf Course, and Flamingo Park. If the beach re-nourishment and the \$10 million for the Wolfsonian are added together, a large amount of money will be flowing to Beach projects. He gave credit to Jorge Gonzalez, City Manager, for working with George Burgess, County Manager, the Commission and Mayor Dermer.

Mayor Dermer stated that he is concerned with being able to secure these funds. He asked the Finance and Citywide Project Committee to follow the retirement of the previous County debt and how the County is going to be issuing the new bonds, and to insure that the City of Miami Beach projects are at the top of the list. **Patricia Walker to place on the committee agenda. Kathie Brooks to handle.**

Commissioner Smith stated that perhaps the City of Miami Beach's G. O. Bond Oversight Committee may be able to participate in the allocation of the funds. He wasn't sure if Miami-Dade County will have a G.O. Bond Oversight Committee, but if they do, Miami Beach should be represented.

Jorge Gonzalez, City Manager, stated that he believes the County will use the model used by the Safe Neighborhood park bond program. The City can advocate through our County Commissioners for representation. The Administration is presently responding to the County's request for more detail on the status of the projects. It would behoove the County to demonstrate immediate results. The City of Miami Beach projects are ready. If a Miami Beach project is ready to go and the County has not sequenced the project the Administration may ask the Commission for some type of short-term financing to be paid back by the G. O. Bond funding.

Commissioner Bower asked about the question dealing with affordable housing for the elderly. She wants to urge the Miami-Dade County Commission to consider Miami Beach.

Jorge Gonzalez, City Manager, stated that there are large amounts of money which have not been designated and has requested staff to find out the County's allocation process and be prepared to try to get the money. The Administration will be as aggressive as possible.

Commissioner Bower requested to be updated on the process and encouraged the Administration to work closely with Miami-Dade County Commissioners Barreiro and Heyman. **Kathie Brooks to handle.**

Jorge Gonzalez, City Manager, stated that as hard as the Administration worked at staff level to secure funding, just before the ballot questions were established, he personally met with both Commissioners Barreiro and Heyman, who were extremely helpful and instrumental in making sure what was proposed for the Beach remained in the Beach. They were also successful in securing additional funding for the Wolfsonian and the Miami Beach Community Clinic (formerly Stanley C. Meyers).

Commission Bower thanked both Commissioner Barreiro and Commissioner Heyman.

4:18:23 p.m.

R7J A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms Pursuant To Request For Qualifications (RFQ) No. 39-03/04, For Architecture, Landscape Architecture, Engineering, And Construction Administration Services Needed To Complete The Planning, Construction Design, And Construction Of The South Pointe Park Improvement Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Hargreaves Associates, And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm; Authorizing The Administration To Negotiate With The Second-Ranked Firm Of The RMPK Group, And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm; Authorizing The Administration To Negotiate An Agreement With The Third-Ranked Firm Of Calvin, Giordano & Associates.

(City Manager's Office)

ACTION: Resolution No. 2004-25745 adopted. Motion made by Commissioner Gross to accept the City Manager's recommendation; seconded by Vice-Mayor Steinberg; Voice vote: 7-0. **Tim Hemstreet to handle.**

Hargreaves Associates gave a PowerPoint presentation.

RMPK Group gave a PowerPoint presentation.

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.
(City Clerk's Office)

ACTION:**Committee for Quality Education in Miami Beach:**

Flora Schulz Term expires 06/30/05 Representative of the PTA of Treasure Island Elementary.

Leslie Collier Term expires 12/31/06 Appointed by Commissioner Garcia TL 12/07

Community Relations Board:

Monica Harvey Term expires 12/31/06 Appointed by Commissioner Smith TL12/06

Hispanic Affairs Committee:

Jacobo Epelbaum Term expires 12/31/06 Appointed by Commissioner Smith TL 12/05

Miami Beach Commission on the Status of Women:

Rachel Umlas Term expires 12/31/05 Appointed by Commissioner Smith TL12/06

Sara Resnick Term expires 12/31/06 Appointed by Commissioner Cruz TL 12/05

R9A1 Nominate Mr. Marcelo Llorente To The Personnel Board.
(Requested by Vice-Mayor Simon Cruz)
(Deferred from October 13, 2004)

ACTION: Ballot vote: Marcelo Llorente 5 votes, Alex DeGasperi 2 votes. Mayra Diaz Buttacavoli to handle.

R9A2 Nominate Mr. Alex DeGasperi To The Personnel Board.
(Requested by Commissioner Saul Gross)
(Deferred from October 13, 2004)

ACTION: See action R9A1

Handout or Reference Materials:

1. Personnel Board votes

3:15:29 p.m.

R9B(1)Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.).

ACTION:

Erika Brigham, member of the Transportation and Parking Committee and of the Miami Beach Transportation Association (MBTMA), spoke on the Electrowave now called The Local. She stated that there is a hold up due to discussions going on at the County in reference to the County taking over and wrapping in with the W Route, and this has placed the purchase of the six diesel buses on hold. She is concerned that the federal transit funds may run out in December. She hopes that the City agrees that the MBTMA buys the diesel buses. She is asking that the purchase takes place

before the deadline in December.

Commissioner Smith asked on the status of the negotiations and if the federal funds are in jeopardy.

Jorge Gonzalez, City Manager, stated that the key person, Carlos F. Bonzon, Assistant County Manager, that the City was negotiating with has been transferred to the Miami International Airport because of Angela Gitten's departure. The City continues to reach out to the County and expects that there could be a favorable outcome worked out and the plan is to have a City Commission Workshop before finalizing any negotiations. He stated that the City's lobbyists indicated that the funds are not in jeopardy.

Commissioner Smith asked regardless of who runs it, should the City go ahead and buy the buses to reserve the funds.

Jorge Gonzalez, City Manager, stated that if the County is going to run it, the City will be better served by the County buying the buses similar to the buses currently operating on Miami Beach.

Commissioner Bower asked if even though the funds are not in jeopardy what the deadline is.

Jorge Gonzalez, City Manager, stated that there are deadlines that the County is working on extending part of the last "T21" initiative that the federal government passed, and since there is no new "T" legislation approved, they continue to extend the authorization done at the last extension.

Commissioner Bower asked when will the next extension be issued and how does the City know about it.

Jorge Gonzalez, City Manager, explained that the funds approved with the last "T" legislation are extended until May 2005. He stated that what expires at the end of December 2004 is the bid submitted to the City for the acquisition of these buses and if the City is not buying the buses, the bid does not need to be extended.

Mark Johnson spoke on the advertising for Miami Beach. He stated that only 10 % of the tourists come from conventions and as Miami builds hotels, the benefit derived from the advertising from the Greater Miami and the Beaches Convention and Visitors Bureau will be diminished. He suggested that the City allocates fund to advertise the destination itself for the average tourist using local artists, local production facilities, and local people, so that more benefits will be derived from this advertisement.

R9B(2)Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Not reached.

12:11:59 p.m.

R9C Discussion Regarding Historic Designation Status Of The ~~20th~~ 28th Street Monument.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held.

Commissioner Garcia corrected for the record that the monument is on 28th Street instead of 20th Street. He requested the Planning Department and the City Administration to proceed with the historic designation for this monument.

Jorge Gonzalez, City Manager, stated that the issue of historic designation is different from the issue of funding. He explained that other facilities have been designated historic that had no funding requirements or funding designated to them for improvement. It is wrong to hold off on the designation; it should be brought to the City Commission. He stated that this is the reason for creating the Renewal and Replacement Capital Fund, in an effort to preserve our facilities.

William Carey, Planning Department, spoke.

Joseph Estrada, property owner across from the monument, spoke. He stated that this monument is in total neglect, it is an eyesore and a danger to the kids that attend the youth center across the street.

Mayor Dermer asked Jorge Gonzalez, City Manager, if something could be done to the monument now while the construction is going on at the pump station.

Jorge Gonzalez, City Manager, stated that he would have to check the current pump station contract to see if this site is part of their construction site. He emphasized that this is a pump station project, not a park improvement project. He needs to check what is included in the project after switching to the new pump station, he thinks the old pump station will be abandoned and he needs to check if there are any plans for it or for beautification of the island. **Robert Middaugh to handle.**

Commissioner Garcia stated that the building needs to be sealed to prevent people from going inside because of the sewer gases that could be there.

Jorge Gonzalez, City Manager, stated that the historic designation will be brought to the next City Commission meeting.

Commissioner Garcia requested to be notified of the meeting of the Historic Preservation Board on this issue.

Jorge Gomez, Planning Director, stated that the next Historic Preservation Board meeting will be on December 14, 2004.

Commissioner Bower asked if the fence will be fixed.

Jorge Gonzalez, City Manager, stated that he will look at the area and see what can be done to secure it and to prevent any unfortunate circumstances there and also to see what can be done to the Obelisk and the green area around it. **Fred Beckmann to handle.**

Commissioner Bower stated that there should be maintenance of the foliage and the green area surrounding it. **Kevin Smith to handle.**

Commissioner Garcia requested that the monument on Star Island (the old water tower) be brought up for historic designation also.

Mayor Dermer requested a report of the Historic Preservation Board on these two monuments.
Jorge Gomez to handle.

Jorge Gonzalez, City Manager, suggested an inventory of all the monuments and to refer them as a package for historic designation. **Jorge Gomez to handle.**

3:53:43 p.m.

R9D Status Report On Closing Documents Between The City Of Miami Beach, The Miami Beach Redevelopment Agency And RDP Royal Palm Hotel Limited Partnership ("RDP").
(City Manager's Office)

ACTION: Discussion held.

Jorge Gonzalez, City Manager, stated that he has had conversations with Mr. Peebles, and told him that they need to finalize this agreement by December 3, 2004 and if not, to place an item on the December 8, 2004 Commission Agenda canceling the agreement.

Commissioner Smith complimented Christina Cuervo, Assistant City Manager, Jorge Gonzalez, City Manager, and the Legal Department for working so hard on this agreement.

Commissioner Bower asked if the Loews's Hotel is going to convert to condominiums.

Jorge Gonzalez, City Manager, stated that what came out in the newspaper is that corporate Loews', as a company, is beginning to look at the condominium conversion component as a means of capitalizing their assets. Whatever is in place beyond the lease agreement will survive their purchase of the lease. There are room block restrictions.

Commissioner Steinberg requested that Commissioner Garcia, Commission Liaison to the Greater Miami Convention & Visitor's Bureau (GMCVB), make sure that the Bureau is working out a model to coordinate with the property owners or management companies to try not to lose the room blocks.

Commissioner Garcia stated that he will take the message back.

10:30:32 a.m.

3:34:38 p.m.

5:42:26 p.m.

R9E Discussion Of The Straw Ballot Question Regarding The Bay Link And The 63rd Street Flyover.
(Requested by Vice-Mayor Simon Cruz)

ACTION: Discussion held. See item R9F for action on Bay Link. See item C4B for action on 63rd Street Flyover.

3:34:30 p.m.

R9F Discussion Regarding The Bay Link Video.

(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held for items R9D and R9F. **Resolution No. 2004-25746 adopted.** Motion made by Commissioner Gross to accelerate the priority of the project from priority #2 to priority #1 and instruct Commissioner Smith, Commission Liaison to the MPO, to take that message to the organization; seconded by Commissioner Garcia; Voice vote: 4-2; Opposed: Mayor Dermer and Commissioner Bower; Absent: **Commissioner Smith to handle.**

Vice-Mayor Cruz requested to communicate to the MPO, through the City's representative, the City's position and desire to move forward and in fairness to the residents that voted against it, to clarify exactly what the Bay Link project entails. He requested the Administration try to eliminate any fears that may exist about this project, either by showing the video or by providing information regarding this project, and that the City will make sure that this project is within the scale and scope of what the City can do as well as minimizing disruption.

Commissioner Smith stated that the MPO has overwhelmingly supported this project and the only issue currently in front of the MPO is what priority to give Bay Link.

Mayor Dermer stated that the video will be played at the end of the meeting, and thereafter on a re-run cycle. **R. Parcher to handle.**

Motion made by Commissioner Gross to accelerate the priority of the project from priority #2 to priority #1 and to instruct Commissioner Smith to take that message to the MPO; seconded by Commissioner Garcia; Voice vote: 4-2; Opposed: Mayor Dermer and Commissioner Bower; Absent: Commissioner Steinberg. **Amelia Johnson to handle.**

11:19:34 a.m.

R9G Discussion Regarding The Villa Maria (2800 Collins Ave – built in 1924) and the Coral Rock House (900 Collins Ave – built in 1918).

(Requested by Commissioner Bower)

ACTION: Discussion held.

Coral Rock House (900 Collins Ave.)

Commissioner Bower stated that she placed this item on the agenda because of what was discussed at the Historic Preservation Board meeting and she asked Mitch Novick to explain the issue.

Mitch Novick, Chairman of the Historic Preservation Board, explained that last Friday a notice that the Coral Rock structure at 900 Collins was set to be heard before the County's Unsafe Structures Board on November 17, 2004 was posted on the door. Immediately after posting, he took a photograph of the notice posted and sent it to Thomas Mooney via email. After that, he went outside and he states that the notice had mysteriously vanished. He added that street sources confirmed that a car pulled up, someone got out, took the notice and drove away. He explained that the owner amended the corporation in mid July 2004, and took on a co-owner who is a demolition contractor. He stated that they are very concerned, and requested the City Commission to intervene and prevent a needless demolition.

Carter McDowell, Esq., representing the property owner, spoke.

Commissioner Bower asked if this is considered demolition by neglect.

Mitch Novick, Chairman of the Historic Preservation Board, stated that this is an old structure, which is in bad condition. This is a rare construction style from 1918 and as stated by the correspondence from the Building Official, this building could be shored up and preserved; and there are other alternatives to demolition.

Commissioner Bower asked what the City Commission can do in this case.

Mitch Novick, Chairman of the Historic Preservation Board, stated that the Building Official indicated that in his experience all the cases brought to the County's Unsafe Structures Board have resulted in demolition.

Commissioner Gross stated that in order to get to this point there must be a fundamental defect in the demolition by neglect ordinance. He stated that in this case this property has not been cited or brought in front of the Special Master these steps were circumvented and it just went directly to the County's Unsafe Structures Board. He added that the building is scheduled in front of the County's Unsafe Structures Board next Wednesday, November 17; the Historic Preservation Board met on this case and felt helpless and wants the City Commission to do something. He would like to see what actions the Administration can take that will require the building to be renovated and restored rather than demolished.

Vice-Mayor Cruz asked if tests have been done to determine that it is an unsafe structure.

Commissioner Gross stated that the problem with the system is that if an owner wants to demolish a historic building he can hire an engineer to write a detailed report stating the reasons in their opinion that the building is unsafe. Then, it is up to the Building Official to review the report and say that he does not agree.

Phil Azan, Building Department Director, stated that they reviewed the report and agreed with the conclusions by the engineer that the structure does meet the minimum criteria for an unsafe structure. It is a minimum criteria because the Building Code is a minimum code.

Commissioner Gross stated that it can be preserved but it is still unsafe, so why not require that it be preserved.

Phil Azan, Building Department Director, stated the order written by the Building Department clearly states to repair the building, should it not be repaired, the Building Department will move forward with the demolition request before the Board of Rules and Appeals.

Commissioner Bower asked if the City of Miami Beach can impose certain requirements that will prevent moving forward with the demolition request. She asked why some property owners are taken to the Special Master and others are not.

Phil Azan, Building Department Director, stated that cases involving the building as a whole are referred to the County's Unsafe Structures Board; if it is a specific area within the building, they are referred to the Special Master. He also explained that normally the owner is given an additional 30 days in which to present documentation to the Building Department to repair and restore the building; should they fail to comply, then the order for demolition is effective at the end of the 30 days.

Jorge Gonzalez, City Manager, stated that the authority to demolish becomes that of the Building Official but in the interim, the City has the ability to compel the owner to do something about the building and even at the meeting with the County's Unsafe Structures Board, the City could place the owner on notice that if ultimately demolition is to occur, the Historic Preservation Board and the City through the demolition order will require an exact duplication of the building. He stated that there is one more step that has not been used as a tool, but could be used with the direction of the City

Commission, and that is that at the end of the 30 days, if the owner has not complied with the order, the City could seek injunctive relief and have the court force the owner to replace the structure with an exact replica.

Mayor Dermer asked what the City's options as it stands at the moment.

Jorge Gonzalez, City Manager, answered that it is important that this issue goes to the next step at the County's Unsafe Structures Board, and he can direct staff to present the City's desire to preserve and/or the conditions upon which the demolition might be ultimately effectuated, replacing the structure as an exact replica.

Commissioner Bower stated that the City needs to eagerly emphasize that this is a historic structure and needs to be preserved.

Murray Dubbin, City Attorney, stated that the City has a demolition by neglect ordinance.

Mayor Dermer stated that the City should proceed as Jorge Gonzalez, City Manager, has suggested.

Commissioner Gross stated that there is a defect on the way this ordinance was written that allowed the situation to get to this point.

Carter McDowell, Esq., representing the property owner, spoke.

Commissioner Gross asked Gary Held to state the actions he suggested to the Historic Preservation Board that the City could take to stop demolition.

Gary Held, First Assistant City Attorney, stated that the City needs to present to the County's Unsafe Structures Board that preservation is the goal and not just demolition. He stated that he will go with staff to the hearing and present the case to the Board that repair of the structure is what is requested. He stated that assuming the Board orders repair; the Building Official is responsible for enforcing that and failure to comply can result in legal action by the City under the demolition by neglect ordinance.

Commissioner Gross asked if the City can require the owner of the property to restore the building.

Gary Held, First Assistant City Attorney, stated that the City can require it, and if the owner does not comply, then the City can go to court and the court can force the owner to restore the structure.

Commissioner Gross stated that this is what the City should do. He asked Phil Azan, Building Department Director, if he is obligated to issue a demolition order after 30 days, if the owner is not restoring the structure.

Phil Azan, Building Department Director, stated that he is not obligated to issue a demolition order. He explained that if the County's Unsafe Structures Board issues an order that the structure be repaired or demolished within 30 days and the owner does not restore it within that time, a demolition order is issued by the Building Department with the conditions issued by the City Manager. Normally if there are no conditions attached to the demolition order, the demolition takes place, but in this case the conditions mentioned will be attached as part of the demolition order.

Commissioner Bower stated that this process of having to have the case be heard by the City Commission to impose conditions does not work, and it should be incorporated as part of the ordinance.

Commissioner Smith stated that the Building Department operates under the Florida Building Code which has specific criteria as to what is an unsafe structure and gives specific directions as to how to

proceed when an unsafe structure order is rendered; now we are asking the Building Department to enforce the demolition by neglect ordinance which he does not have the authority to enforce.

Gary Held, First Assistant City Attorney, stated that the Building Department is willing to work with the City and the enforcement of the demolition by neglect ordinance to allow this process to occur before the Building Official requires the demolition. He clarified his previous statement by saying that the City is enforcing the Land Development Regulations, and this procedure is being interfaced with the procedures stated in the Florida Building Code in order to protect the building.

Motion made by Commissioner Bower to implement the City Manager's suggestion that if the order is issued to demolish, the owner will be informed that he must replace the building with a replica of what is there today; seconded by Commissioner Gross; Voice vote: 7-0. Phil Azan to handle.

11:48:35 a.m.

Villa Maria: (2800 Collins Ave.)

Commissioner Bower stated that this building is an affordable housing building occupied by the elderly. She stated that during the hurricane she visited the building after reading in a newspaper that the building had been red-tagged, indicating that the residents would not be able to return to their apartments. She was very upset at a City employee from the Building Department scaring the elderly to the point that some of them were crying and she had to spend a lot of time on the phone with the City Manager trying to get this issue resolved.

Kent Harrison Robbins, Esq. spoke on behalf of 2800 Collins Avenue LLC.

Roberto Datorre, from the Miami Beach Community Development Corporation, spoke.

Rhonda Hasan, Assistant City Attorney, spoke.

Commissioner Bower made the same motion as to the Coral Rock House to follow the City Manager's suggestion that if the order is issued to demolish, the owner will be informed that he must replace the building with a replica of what is there today; seconded by Commissioner Garcia; Voice vote: 7-0.

Commissioner Bower stated that she wants to make sure that the residents will come back to the building.

Mayor Dermer stated that when residents are relocated, it is done in an informative and compassionate manner. He stated that if there is going to be a problem to inform the appropriate department, the Building or Fire Department, whichever has jurisdiction.

Commissioner Bower stated that if possible, the repairs should be done in phases in order for the residents do not all have to be relocated for the entire time.

Mayor Dermer stated that this should not be brought as an emergency item on a Commission Meeting, and suggested the City Commission be advised of demolition items prior to Commission Meeting and all the facts should be presented. He also asked about the status of the Mayor's Blue Ribbon Panel on Structural Integrity of Historic Buildings, when will the ordinance be presented to the City Commission, and if it could be prepared for the next agenda.

Mitch Novick stated that the Historic Preservation Board is working on the non-conforming structures ordinance, but that doesn't encompass all of the recommendations.

Mayor Dermer asked Mitch Novick to make the non-conforming structures ordinance a priority of the Historic Preservation Board.

R10 - City Attorney Reports

R10A Notice Of Closed Executive Session.

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On November 10, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Cases:

Norman And Joan Ciment Vs. City Of Miami Beach. Circuit Court Of The Eleventh Judicial Circuit Of Florida, Case No. 01-802 CA32

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Don Papy, First Assistant City Attorney Debora Turner And First Assistant City Attorney Gary Held.

ACTION: Announced and held.

R10B Notice Of Closed Executive Session.

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On November 10, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, For Discussion Regarding The Status Of Communications Workers Of America (CWA) Negotiations.

(City Manager's Office)

ACTION: Announced and held.

R10C Notice Of Closed Executive Session.

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On November 10, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Case:

City Of Miami Beach V. Miami-Dade County, Micky Biss And USA Express, Inc. Third District Court Of Appeal, Case No. 3D04-1589, Lower Case No. 03-682 AP

Micky Biss And USA Express, Inc. V. City Of Miami Beach. 11th Judicial Circuit Court. Case No. 04-18560 CA 11

Micky Biss And USA Express, Inc. V. City Of Miami Beach. 11th Judicial Circuit Court. Case No. 01-11865 CA 10

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorneys Debora J. Turner And Gary Held.

ACTION: Announced and held.

Reports and Informational Items

- A City Attorney's Status Report.
(City Attorney's Office)

ACTION: Written report submitted.

- B Parking Status Report.
(Parking Department)

ACTION: Written report submitted.

- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.
(Capital Improvement Projects)

ACTION: Written report submitted.

- D Status Report On The Construction Of Fire Station No. 4.
(Capital Improvement Projects)

ACTION: Written report submitted.

- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.
(Procurement)

ACTION: Written report submitted.

- F Non-City Entities Represented By City Commission:

1. Minutes From The Miami-Dade County Homeless Trust Board Meeting Of September 24, 2004.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Written report submitted.

2. Minutes From The Miami Beach Transportation Management Association, Inc. Executive Board Meeting Of September 20, 2004.
(Requested by Mattie Herrera Bower)

ACTION: Written report submitted.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
November 10, 2004**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz arrived at 11:16;35 a.m.
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL

2. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of September 2004.

ACTION: Written report submitted.

10:45:09 a.m.

3. NEW BUSINESS

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Appropriating Funds, In The Amount Of \$458,075, From The City Center Redevelopment Agency TIF Funds To Design And Construct The Beach Front Restroom Located At 21 Street.

Joint City Commission and Redevelopment Agency.

ACTION: Heard in conjunction with R7F. Resolution No. 490-2004 adopted. Motion made by Commissioner Smith; seconded by Commissioner Bower; Voice vote: 7-0. Christina Cuervo to handle.

Handout and Reference Materials:

1. Color map of the City of Miami Beach, prepared by W. Dale Bryant.

11:09:20 a.m.

- B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency (RDA), Setting The Dates For The Year 2005 Redevelopment Agency Meetings. **Joint City Commission and Redevelopment Agency**

ACTION: Heard in conjunction with R7G. Resolution No. 491-2004 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. R. Parcher to handle.

11:09:39 a.m.

- C A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency (RDA) Authorizing The Chairman And Secretary To Execute A Retail Lease Agreement Between The Miami Beach Redevelopment Agency And ArtConnection International, Inc., For Suite #6 In The Anchor Shops, Located At 100 16th Street, Miami Beach, Florida; Said Lease Term For A Period Of Eleven (11) Years, Commencing Retroactively On November 8, 2004.

ACTION: Resolution No. 492-2004 adopted. Motion made by Commissioner Smith; seconded by Commissioner Garcia; Voice vote: 6 0. Christina Cuervo to handle.

- D A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency (RDA) Authorizing The Executive Director To Execute A Letter Agreement Between The Miami Beach Redevelopment Agency And Adolfo Dominguez USA, Inc., Defining The Terms And Conditions By Which Adolfo Dominguez USA, Inc., May Terminate, Prior To Expiration Of The Term Provided Thereunder, Its Retail Lease Agreement Of Suites 1, 2, 3 And 4 In The Anchor Shops, Located At 100 16th Street, Miami Beach, Florida.

ACTION: Item withdrawn by the Administration. Lilia Cardillo to place on the Commission Agenda. Christina Cuervo to handle.

11:10:25 a.m.

- E A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Appropriating And Authorizing Reimbursement To The Courts In The Amount Of \$458,627 In Available South Pointe Redevelopment Trust Funds To Reimburse The Courts At South Beach, Ltd., For Street Improvements To First Street Between Jefferson And Washington Avenues And To Meridian Avenue Between First And Second Streets, Pursuant To The Fourth Extension And Clarification Agreement, Dated July 26, 2000, Between The Miami Beach Redevelopment Agency, The City Of Miami Beach And The Courts At South Beach Limited, A Florida Limited Partnership F/K/A Cobb Partners South Beach Limited.

ACTION: Resolution No. 493-2004 adopted. Motion made by Commissioner Gross; seconded by Commissioner Smith; Voice vote: 7-0. Christina Cuervo to handle.

Gil Zriny spoke on behalf of the residents of South Pointe.

Handout or Reference Materials

1. Two pages of color copies of four images titled Courts/Cosmopolitan Project Streetscape improvements
2. Letter from Gil Zriny to Chairman and Members of the RDA, RE: Payment to Cobb Partners, with attachments including three pages of color copies of images from Cobb Construction "The Courts" project.

End of RDA Agenda

Meeting adjourned at 5:49:19 p.m.